

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 778 OF 2007

IN

CRIMINAL APPEAL NO. 1178 OF 2006

Ashok Chiman Kamli

...Applicant

V/s.

The State,

U.T. Administration of Daman & Diu

& Anr.

...Respondents

Mr.C.M. Kothari for the Applicant.

Mr.Y.S. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 16, 2007

P.C. :-

. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was convicted for an offence punishable under Sections 307, 324, 498A, 342 of IPC and he is sentenced to suffer RI for 10 years. The applicant is in jail since last two years.

3. Prosecution case is that the applicant used to demand dowry from his wife and when his demand was not met on the date of the incident, he inflicted 37

injuries on the complainant-wife and thereafter, he locked the door and went away. His wife was thereafter rescued by some persons and taken to the hospital. The Injury Certificate has been produced and has been proved by the prosecution which reflects that there were as many as 37 injuries.

4. The learned Counsel for the applicant submits that an appeal is not likely to be heard for some time. He invited several discrepancies and lacuna in the prosecution case particularly in respect of recovery of knife and also Medical Evidence which was adduced by the prosecution. It was submitted that before the applicant was convicted, he was on bail and he had not misused his bail. He submits that the appeal is not likely to come up for hearing for quite some time and there is a good case on merits and he is likely to succeed. He submits that the applicant, therefore, be released on bail.

5. I am unable to accept the submission made by the learned Counsel for the applicant. It is no doubt true that normally during the pendency of the appeal, the

applicant is entitled to be released on bail if bail was granted to him during the trial. However, considering the nature of the offence and the number of injuries which were inflicted on the complainant, in my view, this is not a fit case for grant of bail.

6,. Application for bail is rejected. Hearing of the appeal, however, is expedited. Since the applicant is permitted to prepare a paperbook and as soon as the private paperbook is ready, office to place this appeal on the Final Hearing Board. If the appeal is not heard within a reasonable period, the applicant is granted liberty to apply for bail after six months.

. Application is disposed of.

(V.M. KANADE, J.)